

HAMILTON COUNTY BOARD OF COMMISSIONERS  
MARCH 12, 2007

The Hamilton County Board of Commissioners met on Monday, March 12, 2007 in the Commissioners Courtroom in the Hamilton County Government and Judicial Center, One Hamilton County Square, Noblesville, Indiana. The Commissioners met in Executive Session in Conference Room 1A at 1:00 p.m. President Dillinger called the public session to order at 1:51 p.m. and declared a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. The Pledge of Allegiance was recited by everyone.

**Executive Session Memoranda**

Altman motioned to approve the Executive Session Memoranda of February 27, 2007 and March 12, 2007. Holt seconded. Motion carried unanimously.

**Approval of Minutes**

Altman motioned to approve the minutes of February 26, 2007 and February 27, 2007. Holt seconded. Motion carried unanimously.

**Highway Business [1:53:17]**

**Road Cut Permit**

Mr. Joel Thurman requested approval of Road Cut Permit, RDCUT-2007-002, for Wilson W.S.S.I on 96<sup>th</sup> Street 150' south of centerline of Summerlakes Drive for a water tap. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Acceptance of Bonds/Letters of Credit – Highway Department**

Thurman requested acceptance of Bonds and Letters of credit for the highway department. 1) HCHD #B-07-0004 – Nationwide Insurance Company Permit Bond No. 79003133336 issued on behalf of Blue Haven Pools of Indiana in the sum of \$25,000 to expire January 14, 2008. 2) HCHD #B-07-0005 – Ohio Farmers Insurance Company Performance Bond No. 0027534 issued on behalf of Potters Bridge Estates, LLC in the sum of \$48,978.75 for site concrete, curbs and common area walks to expire October 25, 2008. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit – Highway Department**

Thurman requested approval of the release of Bonds and Letters of Credit for the highway department. 1) HCHD #B-00-0003 – Western Surety Company Bond No. 929120413 for Earth Excavating in the amount of \$10,000 to cut 18" wide drain outlet. 2) HCHD #B-01-0092 – Western Surety Company Bond No. 59176607 for Acme Plumbing in the amount of \$5,000. 3) HCHD #B-01-0001 Western Surety Company Bond No. 929170433 for Tramco, Inc. in the amount of \$5,000 for temporary drive at 9800 N. Ditch Road. 4) HCHD #B-01-0039 Western Surety Company Bond No. 69142563 for Claridge Farm Homeowners in the amount of \$5,000 for street cut at 10510 Washington Blvd. 5) HCHD #B-01-0046 Western Surety Company Bond No. 69149040 for Kirt E. Jones Construction, Inc. in the amount of \$5,000. 6) HCHD #B-01-0047 Western Surety Company Bond No. 69149031 for Kirt E. Jones Construction, Inc. in the amount of \$5,000. 7) HCHD #B-01-0048 Western Surety Company Bond No. 69149037 for Kirt E. Jones Construction, Inc. in the amount of \$5,000. 8) HCHD #B-01-0061 Western Surety Company Bond No. 42804160 for Kevin Pugh in the amount of \$5,000. 9) HCHD #B-01-0098 Western Surety Company Bond No. 691690395 for Thomas H. DeMunbrun in the amount of \$5,000 for work in right of way. 10) HCHD #B-02-0001 Western Surety Company Bond No. 42769462 for George Washington in the amount of \$5,000. 11) HCHD #B-02-0006 Western Surety Company Bond No. 43054171 for Terry Pool Company in the amount of \$5,000. 12) HCHD #B-02-0042 Western Surety Company Bond No. 14425963 for Crooked Creek Conserv.–Gun in the amount of \$5,000 for driveway. 13) HCHD #B-02-0054 Western Surety Company Bond No. 69339428 for Fall Creek Wesleyan Church in the amount of \$5,000 for 11721 Olio Road, Fishers. 14) HCHD #B-02-0071 Western Surety Bond No. 14436668 for Aaron O'Crull in the amount of \$5,000 for driveway. 15) HCHD #B-02-0072 Western Surety Company Bond No. 69361306 for Turnkey Network Solutions, Inc. in the amount of \$5,000. 16) HCHD #B-02-0105 Western Surety Bond No. 2580047 for Willbros. Engineers, Inc. in the amount of \$5,000 for road bore on Cumberland Road for fuel gas pipe. 17) HCHD #B-02-0106 Western Surety Company Bond No. 25800048 for Willbros Engineers, Inc. in the amount of \$5,000 for bore on Overdorf Road for fuel gas pipeline. 18) HCHD #B-02-0128 Western Surety Company Bond No. 14454328 for Harold Mars in the amount of \$10,000. 19) HCHD #B-03-0013 Western Surety Company Bond No. 69480527 for Little Eagle Creek Christian Church in the amount of \$11,048 for accel/decel lanes. 20) HCHD #B-03-0031 Western Surety Company Bond No. 14482096 for David & Patricia DeWitt in the amount of \$5,000. 21) HCHD #B-03-0042 Western Surety Company Bond No. 14487833 for Classic Pool & Patio in the amount of \$5,000 for pool. 22) HCHD #B-03-0062 Western Surety Company Bond No. 69515369 for Bron K. Cuppy in the amount of \$5,000 for driveway. 23) HCHD #B-03-0082 Western Surety Company Bond No. 14509296 for Valenti-Held Contractor/Developer in the amount of \$5,000 for temporary driveway in Avalon. 24) HCHD #B-03-0113 Western Surety Company Bond No. 929268296 for Flynn & Zinkan Holdings, LLC in the amount of \$30,000 for accel/decel lanes at 116<sup>th</sup> & Olio Road. 25) HCHD #B-03-0149 Western Surety Company Bond No. 929301058 for Plush, Inc. in the amount of \$10,000 for utility work in right of way. 26) HCHD #B-03-0153 Western Surety Company Bond No. 14534589 for CDC Corporation in the amount of \$5,000. 27) HCHD #B-03-0155 Western Surety Company Bond No. 14537845 for Campbell Development 2 in the amount of \$10,000. 28) HCHD #B-03-0157 Western Surety Company Bond No. 42889835 for Grade A Excavating in the amount of \$10,000. 29) HCHD #B-03-0158 Western Surety Company Bond No. 42889834 for Grade A Excavating in the amount of \$5,000. 30) HCHD #B-04-0013 Western Surety Company Bond No. 929319800 for Flynn & Zinkan Holdings, Inc. in the amount of \$50,000 for Commercial Drive – Olio Road. 31) HCHD #B-04-0045 Western Surety Company Bond No. 14580695 for Majestic Residence, Inc. in the amount of \$10,000 for street cut Rider for name change. 32) HCHD #B-04-0046 Western Surety Company Bond No. 14580715 for Majestic Residence, Inc. in the amount of \$5,000 for work in right of way Rider for name change. 33) HCHD #B-04-0080 Western Surety Company Bond No. 929336658 for Millennium Contractors, LLC in the amount of \$5,000 for sanitary sewer at 169<sup>th</sup> Street fire station. 34) HCHD #B-05-0064 Western Surety Company Bond No. 929366519 for Valenti-Held Contractor/Developer in the amount of \$10,000 for storm sewer at Mill Grove, Section 8. 35) HCHD #B-05-0069 Western Surety Company Bond No. 69944361 for Sheridan Wesleyan Church in the amount of \$5,000. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Agreements/Supplements**

**Bridge No. 86 Utility Agreement**

Thurman requested approval of Utility Agreement, HCHD #M-07-0007, with Verizon North, Inc. for Bridge No. 86 replacement. Holt motioned to approve. Altman seconded. Altman asked if 120 days is sufficient for them to be in and out? Thurman stated they have reviewed that. That is typically what Verizon puts in their agreements. When speaking with the project management staff it should take them less than one week to do the work. Altman asked if this will affect our bid hold or project for that length of time if they do not get it done? Thurman stated if they take 120 days it could possibly delay the start of the project. Motion carried unanimously.

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**Petition to Vacate Right of Way – Town of Deming**

Thurman requested permission to set a public hearing date for the a Petition to Vacate Public Right of Way in the Town of Deming for Ernest, Haldon and Michael Millikan. The public hearing would be held April 9, 2007 at 2:00 p.m. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Federal Earmarks Letter**

Mr. Brad Davis stated he has distributed copies of identical letters to Senators Bayh and Lugar requesting confirmation of earmarks for 146<sup>th</sup> Street West and the Riverwalk. Jan Powell (lobbyist) needed those letters immediately and Commissioner Dillinger has signed the letters.

Davis stated there needs to be a technical correction on the Highway/Safety Bill that was passed by Congress in order to get the \$1 million earmark for Hazel Dell to be transferred to the 146<sup>th</sup> Street Extension project. There is also a language correction that needs to take place on one of our earmarks. They did not go through Congress last Fall and they are now in the process of going through currently. Congressman Burton and Senators Lugar and Bayh are supporting those requests.

**Consultant Selection Procedures**

Davis stated he thought they would unveil consultant selection procedures for local governments at last weeks Road School. The procedures have not been signed off yet by the Federal Highway Administration. There was a statement made that as of March 1, 2007 any federal aid projects that need to undergo their selection process or alternate selection process the federal highway will ultimately approve it.

**Hendricks County Letter**

Holt stated the Commissioners were copied on a letter sent by Hendricks County to Representative Whetstone of the Indiana General Assembly in support of the commerce connector. Holt stated he thinks it would be a good idea for Hamilton County to follow suit. Holt asked Davis to prepare the letter for signature today.

**234<sup>th</sup> Street**

Holt stated yesterday he came across 234<sup>th</sup> Street from Strawtown to Cicero. The place where we had the problem with the pipeline and the road was chocked down; there is a huge pothole on the edge of the pavement on the north side. It is obvious that it is a lack of drainage that has caused the problem. Holt asked the highway department to research the history of that road and if the county acquired that ground and did not build the road or we did not acquire the ground and bring back recommendation for further action. Altman asked the highway department to do the same if there are any contentious issues on highway regarding the pipeline. Holt asked that the pothole be repaired quickly.

**Laura Vista Sign**

Altman asked if a copy of the letter from Laura Vista was distributed requesting a temporary ground sign along the east side of the Keystone Off-Ramp. Altman asked it be confirmed that this sign will not block anything the county may have at this location.

**Health Insurance Renewals**

Mr. John Elmer requested approval of the Health Insurance renewal from Starline USA, LLC. There will be a \$100,000 increase in fixed cost which represents a 1% increase based on last year's total plan cost. Holt motioned to approve. Altman seconded. Motion carried unanimously. Elmer recommended that the employee's contribution to the health plan not change this year. Altman motioned to hold flat the employee contribution for 2007. Holt seconded. Motion carried unanimously. Elmer stated the Trust for the employee benefit plan needs to be healthy with a current balance of \$1.5 million.

**Plan Amendment Considerations**

HIPPA Opt Out – Elmer stated this is an amendment that would allow people that lost their job and needed to come onto the plan regardless of their health. The Insurance Committee felt that the county has historically not allowed that and did not see any reason to change it this year. We are going to investigate the financial impact of it.

Immunizations – currently the plan limits immunizations on age and type. There has been a lot of press on the vaccine for HPV. These immunizations are not currently covered by the plan. The Insurance Committee does not recommend amending the plan at this point.

Mammograms – a routine mammogram is covered at 100% under the Wellness Benefit that allows up to \$500 per individual. If someone has a diagnostic mammogram those costs are being submitted under the employee's deductible and co-insurance and not covered at 100% with the \$500 maximum. The Insurance Committee does not recommend making any changes at this time. Altman stated she is disturbed about the mammogram because we are at the mercy of the person who provides it. It is the intent of the County to be able to use the Wellness Benefit for one mammogram per year. One mammogram should be allowed and she would like to take the code restriction off of that and limit it one per year under Wellness. Dillinger stated he does not think it is that simple, it is the medical industry's code. Altman stated we can instruct our provider to cover one mammogram per year regardless of the code. Ms. Sheena Randall stated we can do that. Ms. Deb Gowan (One Source Insurance) stated when the employee gets the mammogram done the provider is going to present a bill to the administrator to process the claim. The bill includes a diagnostic code, either wellness or diagnostic. Based on that code is how the administrator processes the claim. The only way that they can process the claim and pay it at 100% for Wellness is if the provider puts the code in there for Wellness. It is procedural based on how they are required to process a claim. If your plan says someone goes in for a mammogram and it is diagnostic they will process it under the deductible. If it is routine it is coded at routine and paid at 100%. Dillinger asked if something looks suspicious or a follow-up it is a more thorough mammogram? Randall stated it is typically an ultrasound and mammogram. Randall stated Meritain has said we could have a stand alone benefit for mammograms and it would not matter if it was diagnostic or wellness. Altman stated she thinks it needs to go against the wellness; her point is that everybody gets one mammogram per year regardless of your history under wellness. Howard asked if the Board passes a motion to amend the language to the plan that each participant in the plan would receive one mammogram per year as a wellness benefit, not withstanding can we get this done. Elmer stated he would request it be approved subject to Meritain being able to get it done. Dillinger stated those codings to the insurance company are national and we are now going to ask Meritain to go against national coding. It is not a good management decision to handle it that way. It needs to be changed at the hospital. Other hospital can do it other ways, he does not know. Altman stated every women over 40 is going to have a blip on the mammogram and we are discouraging a useful tool. Holt motioned to table this discussion and send it back to the Insurance Committee for recommendation. Dillinger stated the Insurance Committee has discussed it thoroughly and our recommendation was to not do it right now. Holt motioned to accept the Insurance Committee's recommendation subject to Christine and Sheena being able to resolve something at Riverview that might cast a different light on it. Altman stated her problem is that she is not sure where it is all happening. Dillinger seconded. Altman stated if it is a known diagnostic tool that we intend to be under the \$500 benefit then she does not care of how they code it. It is our intent of what we cover, if it gets kicked out we tell our employees to appeal it and it will be covered, there has to be a way around this. Dillinger

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and Holt approved. Altman opposed. Motion carries. Holt motioned to approve the HIPAA Opt-Out. Altman seconded. Motion carried unanimously.

**Disability Rates**

Randall stated Ms. Gowan is working on establishing the disability rates for this year. There is a post-tax deduction based on the prior year's claims. Those rates will come to the next meeting.

**Medicare Subsidy**

Randall stated the Medicare subsidy has been filed for 2006 we will receive a refund of \$30,900.

**ICM Renewals**

Randall requested approval of the ICM (Individualized Care Management) Renewals for 2007. 1) Major Medical Module – no rate or plan changes in 2007. 2) Worker's Compensation – no rate or plan changes in 2007. 3) Sheriff Inmate Program. 2006 was a pilot program. We had some savings but the costs were higher than reasonable. Last year's contract was \$1.00 per inmate per month. We have found there were not that many large cases. The 2007 renewal is based on \$100 per hour as needed. The Sheriff would establish when to bring in ICM. Holt motioned to approve all three agreements as submitted. Altman seconded. Motion carried unanimously.

**AFLAC**

Randall stated AFLAC's representative Ann Green has requested permission to meet with the employees for enrollment for AFLAC. There are 245 AFLAC active policies within the county. Dillinger stated the Insurance Committee has recommended Ann (only) be allowed to do this. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**College Savings Plan**

Mr. Charlie Freund, Retirement Counseling Services, requested permission to hold deferred comp education meetings and enrollment meetings. He has also researched 529 Plans (college savings plans). As of 1/1/2007 there is a State Tax Credit available for State run 529 Plan. Freund stated he is not confident with their administration of a payroll deduction plan. He would be happy to include education about those plans during his deferred comp meetings and then work with individuals as needed. Dillinger stated the Insurance Committee has recommended that the 529 Plan is not a good payroll deduction item but the committee recommends allowing Charlie to work with any employee who is interested in an individual plan that would be deducted from their checking account. Altman stated it would be a State plan that qualifies for the tax credit and you would show them how to set it up independently? Freund stated they can work with him or he can give them a 1-800 number. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Fiduciary Renewal**

Randall requested approval of the application of Fiduciary Responsibility for the Employee Benefit Trust. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Assessor's Request to Extend Part Time Employee**

Ms. Debbie Folkerts requested permission to extend the part time employee personnel policy that allows part time employees to only work 12 weeks at 30 hours per week. Currently she has two staff members on medical leave and is very short staffed. One employee should return back to work with 30 days, the second staff member is on indefinite medical leave. Folkerts requested this part time employee be allowed to work the 37.5 hours as part time. Dillinger asked if Folkerts needs more part time help? Folkerts stated she has the monies available to pay this person and does not have the time to train a new person so she is doing the work herself. Altman stated she does not mind the request but she would like an end date. Folkerts would like the extension until June 1, 2007. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Unsafe Structure – 2790 East 256<sup>th</sup> Street [2:28:06]**

Mr. Chuck Kiphart stated he has received a complaint about the house at 2790 East 256<sup>th</sup> Street (25652 DeVaney Road) in Arcadia. The house started construction several years ago and the builder and owner were never able to get along and construction was stopped. Kiphart has certified that it is an unsafe structure and requested it be taken down. The mortgage company has responded very quickly to the letter and he has met with a contractor at the house. The basement has 6' of standing water. Mr. Bruce Arnold, representing M & T Mortgage Corporation, stated M & T has foreclosed on this property. It went to Sheriff's Sale and M & T purchased the home. A contractor has been hired to determine the work that needs to be done to bring it up to code or demolish it. Kiphart stated he tried to explain to the contractor and the mortgage company that they needed to bring a definite proposal to the Commissioners this morning. Altman asked if the contractor has cleared the water from the basement? Arnold stated he just received this information this morning. Altman stated as the owner of the property you need to send a contractor to clear the basement. Arnold stated normally they will secure the property and then make a determination of what they are going to do with it. Altman asked what can you assure us? Arnold stated he has no other information that what he has presented. He needs to speak with the contractor to find out what he recommends be done with the property. Dillinger asked how long has the mortgage company known? Arnold stated they just purchased the property February 8, 2007 and the notice went out March 5<sup>th</sup>. Kiphart stated it has slowly been deteriorating over the last couple of years. Dillinger asked how long should they have known and had the ability to do something about it? Kiphart stated it was purchased at Sheriff's Sale at the end of February and that is when he started tracking ownership. Arnold stated his client understands they are responsible for it at this point. Altman asked how much time was given to them in the letter, was it 30 days? Howard recommended the property is secured within 10 days and if it is not secured within 10 days this Board will entertain an order to demo it and file a lien against the property. If it is secured then we could give them another two weeks to tell us what they are going to do. Secure means it is boarded up. Altman asked if we could add that if it is not secured within 10 days we will send a contractor in there to pump the basement and secure it ourselves at your cost. Howard stated if Kiphart is monitoring the situation and comfortable that there is movement then Arnold will not have to drive up here to attend the next meeting. Altman stated you are on record about knowing the condition of the property and if there should be an incident between now and when it is resolved. Arnold stated he understands that. Dillinger stated they just took over the property and we need to be fair to them. Altman stated she understands but she does not want to see a kid drown on her watch. Holt stated he needs to abstain from this discussion, he represented the homeowner. Altman motioned to allow them 10 days to secure the property, if it is secured within 10 days then we can schedule it on the next commissioners meeting to provide an answer as to what they will do with the property. If it is not secured within 10 days we will hire a contractor to secure it, pump the basement at their cost and they will have the same time to determine what they are going to do with it. Dillinger seconded. Altman and Dillinger approved. Holt abstained. Motion carried.

Dillinger called a break in the meeting. [2:37:43]

Dillinger called the meeting back to order. [3:00:32]

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**Transportation Enhancement Grant Application – Port Authority**

Ms. Rhonda Klopfenstein, Hoosier Heritage Port Authority, requested approval and signature on a Transportation Enhancement 21 Grant Application for the Hoosier Heritage Port Authority for \$330,000. Holt motioned to approve. Altman seconded. Klopfenstein stated they are looking at two (2) intersections – Arcadia at 274<sup>th</sup> Street and the other intersection is yet to be determined. The application is due April 15<sup>th</sup> and they are working with the Indiana Transportation Museum to recognize another crossing. The rest of the grant monies would be used in railroad ties and ballasts. Motion carried unanimously.

**Drug Free Community Grant Application [3:01:46]**

Ms. Beth Gehlhausen stated she is preparing the grant application for a Drug Free Community on behalf of the Legacy Fund Community Foundation and requested permission to write the grant as the county as a pass through to the SNAP Coalition. The only change from last year’s application is that they will be working with Council on Alcohol and Drugs but they are the ones applying for the grant. Altman motioned to approve. Dillinger seconded. Altman and Dillinger approved. Holt abstained. Gehlhausen asked if a Memorandum of Understanding could be prepared and forwarded to Mr. Howard for review? The Commissioners agreed.

**ISSD Purchase Orders**

Ms. BJ Casali requested approval of Purchase Orders for five (5) laptops (\$8,101.45) and a server for VM Ware (\$11,741.67). Altman motioned to approve. Holt seconded. Motion carried unanimously. Purchase Order with SIS for software license and Time and Materials Support Agreement for the VMWare in the amount of \$6,290.00. Altman motioned to approve. Holt seconded. Motion carried unanimously. Memorandum of Understanding between Spring/Nextel to provide the same type of agreement that Cingular provides for employees personal use of cell phones. Altman asked if they have a plan if employees get a discount? Casali stated it is a second line for \$20. Holt asked if it violates our agreement with Cingular? Casali stated no, it was understood that Spring/Nextel would be able to continue due to a demonstrated need. Holt motioned to approve. Dillinger seconded. Dillinger stated he thought everything was going through Cingular with the exception of the parks department. Casali stated there are a couple of departments that use Sprint/Nextel because of the push to talk feature. Dillinger asked why couldn’t the employees that want personal phones use their own phones? Casali stated they would have two phones. Dillinger and Holt approved. Altman opposed. Motion carried.

**Dell Computer Employee Purchase Program**

Casali stated Dell Computer would like to offer an employee purchase program for Hamilton County. The employees would receive a discount of 10% to 40% on their personal purchases. There is no obligation to the county. Holt motioned to approve. Dillinger seconded. Dillinger and Holt approved. Altman abstained. Motion carried.

**Jail Expansion Project**

Mr. John Barbee stated Phase I Construction Documents have been completed for the north jail expansion and the accessory/support services facility. Barbee requested permission to put the drawings out for bid Monday, March 16, 2007. Holt motioned to approve. Altman seconded. Barbee stated bids will be opened April 24, 2007. Altman asked if there are any items in the bid that may bid on the same or is there anything that has been specked out that would be geared toward one specific vendor? Barbee stated one is the security automation system, which is designed by Integrator. Integrator is the base bid, Metroplex would be the alternate. It is difficult having Metroplex as an alternate but it will save the county dollars on bid day. Altman stated that is why we would want non-exclusive bids to come down to the line that is most economical. Altman asked if there are any other items? Barbee stated the only other specialty is detention equipment. Altman asked why would we do that, are the low cost, very best equipment? Barbee stated they are a very competent contractor with detention equipment. They are a preferred contractor due to their quality of work and equipment. It is being opened up. Howard asked if they are working on getting the proprietary language out of the bid? Barbee stated yes. Altman asked that it will be an open bid, it has not been drafted to only qualify for Pauly equipment? Barbee stated correct. Altman stated she will vote no if she finds things like that in any of these plans. Motion carried unanimously.

Howard stated there is approximately 3 acres south of this site that will be needed for parking and mobilization of construction, and he requested a motion to authorize the county attorney’s office and Mr. Knapp to work with Envoy to explore acquisition of this property, including appraisals and offers to purchase subject to funding. Altman motioned to approve. Dillinger seconded. Altman and Dillinger approved. Holt abstained. Motion carried.

**Voter Registration Office Relocation [3:14:11]**

Mr. Scott Warner has asked Fredericks Construction to prepare estimates for remodeling the “mailroom” for relocation of the Voter’s Registration office to the Judicial Center basement. He has also requested Fredericks assist him in pricing a storage space added to the canteen for Janus so the items buildings and grounds have stored in the “mailroom” can be relocated to the current Janus storage room and then their storage area would be moved to a 6’ x 18’ addition to the east side of the canteen. Altman stated she has looked at the areas and the space currently used for chemicals is way more than buildings and grounds needs. She looked at other existing storage areas and they could consolidate fairly easily to existing space by moving things around so we can leave Janus where they are at until we need that space later. She does not see that expenditure being needed now. Warner stated the chemical storage needs to be a secure room where the rest of his staff does not have access to. It is our bulk storage of items that we distribute to the supervisor to stock the carts. The area that Commissioner Altman is suggesting is currently cart storage and we need that space for supplies. We need a space that is locked that is not available with the Master Key due to theft and safety of the handling of the chemicals. Holt asked if this item could be tabled until the end of the meeting and the commissioners could tour the area? Commissioners agreed.

**Humane Society Contract [3:17:51]**

Holt stated the attorney has prepared a draft of a contract with the Humane Society and asked Ms. Rebecca Stevens if this solves the problem from her perspective? Ms. Stevens stated it looks good to her. Holt motioned to approve the 2007 Service Agreement with the Humane Society. Altman seconded. Altman suggested that if there were issues the humane society should contract with the participating entities if this does not work out. Altman stated we are solely advancing for the other participating units to the extent they do not participate and do not pay, the humane society would not be reimbursed. It is only for animals that ours (county) or participating units, either unwanted animals from those sources. Stevens stated it states unwanted defined as owner releases. Altman stated only from the county and participating units. Stevens stated exactly, they are trying to get the non-participating units involved. Stevens stated it talks about the appropriation of funds, does that still need to happen? Howard stated yes, we only have \$300,000 as we take care of billing the underlying units. As their money comes in, it can not automatically go into a fund to pay the humane society. It has never been a problem in the past. The benefit of this agreement is that you have 8 months to get the money to fund the contract. Motion carried unanimously.

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**Homeland Security Exercise Sub-Grant Agreement**

Mr. David Bice requested approval of a Homeland Security Exercise Sub Grant Agreement in the amount of \$33,524.57 for reimbursement of costs for a technical exercise held on November 11, 2006 at Grissom Air Force Base. The State requires one EMA as the focal point for dispersement. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Noblesville Township Assistance Appeal [3:22:57]**

Mr. Anthony Green, 16801 Maraschino Drive, Noblesville, stated he has been denied assistance by the Noblesville Township Trustee due to Mr. Green having sufficient income and failure to comply with workforce requirements (IC 12-12-20-11-1). Green stated he had a heart attack during the time the Trustee wanted him to volunteer. He has been living in Noblesville for 22 years, this is his second house which he has regretted building because when you are retired you are not going to get what the government told him he was going to get. His attorney is talking to the government now because they never paid him what he was told he was going to get paid. When he retired in December 2005 he had to wait 4 months to get his first retirement check and it was only \$800 and then they took \$1,000 out of his retirement which they never explained and now he gets \$1,600. Yes, the Trustee says they have people leaving on less than he does but at the same time, he regrets building the house because he can not afford it. He has worked all of his life, he was a cop in New York and then transferred to Indiana. He asked for assistance because his income does not even cover his medication. He spends over \$3,000 in medication and he went for all of the help he can get. He went to the VA (Veteran's Administration) to get what he is entitled to from losing his kneecap in the service. Finally they are going to hear his case. He was disappointed with Social Security told him he would get \$1,000 a month, if he would have gotten that he would have had no problem, he is getting \$200. Dillinger asked if he is getting \$200 a month from Social Security? Green stated that is correct. Dillinger asked for total disability? Green stated he is under a new law that reduces his retirement, Social Security. Green is getting ready to fight that because he has worked all of his life, he has all of the quarters he needs to get Social Security but they have said no, he makes so much money and he is only entitled to \$200. He goes to St. Vincent's Stress Center right now because he just can't deal with it any more. Now the Trustee says to ask his children, his children can not help him every time he needs help. Green has applied for a food card and he was told he makes too much money. Green stated his medical is way more than his income. He is behind on his State taxes and his property taxes. Green is trying to sell the house and live in a senior citizen home. His attorney is fighting the government now because they are taking \$1,000 out of his retirement. He is two months behind on his mortgage and he has tried to work a deal with the mortgage company and they don't want to hear it. Everybody wants a piece of him but when you reach a certain age how much can they take from him? Green stated he can't deal with it anymore. He has worked for 30 years, retired from the federal government and worked for the police in New York. His daughter can't keep sending him money. Dillinger stated it says your income is \$2,307 monthly? Green stated that is not correct. His income is \$1,626 and that is not counting the \$216 from Social Security. Dillinger asked if his house is for sale? Green stated yes, he has not been living there. Dillinger asked if his house payment is current? Green stated he is two months behind. The homeowners association has taken him to court and he filed a countersuit which the judge has dismissed because the association has dropped their claim. Ms. Vicki Thompson stated Mr. Green came in to the Noblesville Trustee's office and applied for mortgage assistance and asked for one month even though he is two months behind. Most mortgage companies want all that they are behind. His gross income is \$2,081, which is his retirement and \$226 for Social Security. \$259 is deducted for child support and she does not know what the other deductions are. We denied him for sufficient income. The Trustee had discretion to look at bank statements to see what was spent out to see what was spent for basic necessities which was not. There was no documentation for medical bills except from the spine doctor which states he needs minimal therapy. It does not state he can not work. At the time of his last assistance in February 2006 he was assigned 116 work fair hours which he did not work. Work Fair hours are assigned so the clients do not have to pay the Trustee back. Dillinger asked if that is a requirement? Thompson stated yes, it is in the guidelines. Green stated he did submit medical documentation. When they asked him to work, he does not have a problem working. He helps Third Phase. He had a heart attack and he can't stand. He has an artificial knee cap and has three parts of his spine that are deteriorating. If he could work he would still be working for the federal government. Thompson stated the main basis for denial was sufficient income. The basis is for a one person home is \$817 per month and his income is \$2,300 per month. The income is very high at this point. Dillinger asked if the \$817 is state law? Thompson stated \$817 is poverty level. Howard asked what are the rest of the deductions for and where is the documentation? Green stated the \$1,000 was supposed to go towards child support but the government attorney's have decided to take a certain amount of money out to send to the child in New York. As of last month he has stopped them from taking the \$1,000. Howard asked if it is down to \$259 now? Green stated with the health plan and everything taken out is \$1,626 which is not counting Social Security. He is in the process of fighting the child support of \$259 because his son his 23 years old. Altman motioned to deny the appeal. Holt abstained because his office has represented Mr. Green in the past. Dillinger seconded. Dillinger stated this always puts us in a very difficult spot to deal with these issues. It seems apparent that if the maximum guideline is \$817 per month and your income is over \$2,000 it certainly does not fit the Trustee's guidelines. Altman and Dillinger approved. Holt abstained. Motion carried.

**Commissioner Committee Reports [3:40:10]**

Altman stated she will not be attending the April 9<sup>th</sup> meeting because she will be attending a Homeland Security Conference.

**Attorney**

**Liability Trust Claim**

Howard requested approval of a Liability Trust Claim payable to Michael S. Frederick in the amount of \$500. Holt motioned to approve. Altman seconded. Motion carried unanimously.

**Administrative Assistant**

**Release of Retainage – Juvenile Services Center**

Mr. Fred Swift requested approval of letters releasing the retainage escrow accounts for work done at the Juvenile Services Center for Ryan Fireprotection, Inc., Midwest Maintenance & Construction Company, Weigand Construction Company, Hoosier Prestress, Inc. and Chance Brothers Marble and Tile, Inc. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Wage Determination Committee Appointments**

Swift stated Washington Township has requested an appointment to a Wage Determination Committee and recommend Melody Sweat and Delaware Township has requested an appointment to a Wage Determination Committee and recommends Tom Curry. Altman motioned to approve. Holt seconded. Motion carried unanimously.

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**Janus 2007 Contract**

Swift stated the Janus annual payment is no longer in the commissioners budget, it is now in the county council's budget in the amount of \$510,000 in 2007, \$500,000 in 2006. There was also a \$100,000 for capital improvements appropriated by the Council. This came about when two council members toured the Janus facility and the Director (Jeff Huffman) requested the funding for capital improvements. The improvements are for the office and rehabilitation areas. Altman motioned to approve the base contract at \$510,000. Holt seconded. Holt asked if this is by statute that we pay Janus? Altman stated it is not by statute but it is outside the levy. Janus got special legislation that the monies we supply to them are outside the levy limit but we are not required to fund them at any particular level. Holt asked if two years ago there was an issue with Noble and Bob Bill thought Noble would be entitled to some of the funds because of the services they provided? Altman stated that is because of the way the legislation is drafted, they could potentially request funding. Holt asked if it is arbitrary on the county what the level of funding is? Altman stated it is within the mental health categories, which she thought the Janus monies could be supplemented through transit but the council rejected that. It is broad enough that she believes we could fund other issues similar to Janus out of that levy limit if council would set that. Holt asked if the \$510,000 includes transportation dollars? Altman stated no, the on-demand grant is separate. It is over \$300,000 and it is at our request that they provide that service. It does offset their own transportation needs with their workers and that is why they were interested in providing that service. Dillinger stated he agrees with both of you and is not sure who should be providing capital improvements but when you consider the capital improvements that we put in for dogs, it seems inconsistent. Altman stated we own the building, we do not own the Janus property nor would we have lien rights for the \$100,000 invested should they sell it that we would get a return to the taxpayers. Motion carried unanimously. Swift stated the proposed contract includes the \$100,000 reference, should the contract be re-drafted or crossed out? Howard suggested the \$100,000 be stricken out and initialized by the President to reflect the minutes of the meeting. Altman stated she would not be opposed to advancing the \$100,000 as long as we had lien rights to return it back should the property be sold, but not an outright capital investment. Swift asked Ms. Coverdale if they have received any of this money? Holt asked Coverdale to check if the \$100,000 has been paid.

**Appointments**

**Hamilton County Plan Commission**

Swift stated the township trustees have an appointment to the Hamilton County Plan Commission. The appointment needs to live in the un-incorporated area of the county. The only Trustee that is eligible is Wayne Township Trustee, Diane Crim. Altman asked Howard to verify that the Trustee must live in the un-incorporated area. [3:59:06] Howard stated the statute is clear that the Trustee appointee must reside in the un-incorporated areas. Holt motioned to appoint Diane Crim. Dillinger seconded. Dillinger and Holt approved. Altman abstained. Motion carried unanimously. Altman asked Swift to write a thank-you letter to Linda Williams for her service.

**Hospital Authority of Hamilton County for St. Vincent's Hospital**

Swift stated Barbara Crawford is unable to fulfill her appointment to the Hospital Authority of Hamilton County for St. Vincent's Hospital and has recommended Todd Roberts be her replacement. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Indiana Pacers Discount Coupons**

Swift asked if the discount coupon for the Indiana Pacers can be distributed to the employees? Altman stated this was dealt with during the last meeting, it is to be placed on the front counter only.

**Humane Society Claim**

Swift stated the \$30,000 claim to the Humane Society has been processed and it has been made clear to them it was an advance, not a supplemental payment. Swift has also submitted an additional appropriation request for \$103,000. Appropriations will not be heard until the Council's May meeting.

**Sheriff [3:54:46]**

**Fuel Bid Award**

Captain Benny Craig presented copies of the 2007 fuel bids for the Sheriff's Department. Craig stated on that day the lowest bidder was Hamilton County Co-Op. He is unclear on how the numbers were put together on the other bids. Holt asked Brad Davis to review the bids. [4:10:48] Howard stated the Sheriff's fuel bids have been reviewed. We look at two things, the posted rack price and then we have them post the addition to the rack price. The date in the Notice to Bidders was to be February 23, 2007, the bid rack prices are posted on February 21, February 22 and February 23. The February 23 bid has the highest mark-up but the lowest rack price. Given the fluctuation of gasoline prices during the last 60 days it would be impossible for us to interrupt the ambiguities in these bids to find out what was the lowest bid. For that reason Howard recommended rejecting all bids and re-bid. Holt asked if Craig can still buy gas on the old bid? Craig stated yes. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Part-Time Employees – Sheriff's Department**

Captain Dan Stevens stated they have been consulting with Envoy regarding how to continue operations at the jail facility during construction. It will involve housing inmates at three different locations during the peak of the project. This would require we spread our manpower three different ways. Stevens has determined that they will need a fair amount of additional part time help. Steven requested the 30 hour part time restriction be removed during the duration of the project, which is scheduled to end September 2008. The bulk of the project should be done by April 2008. Altman asked if he wants to go through April or the end of construction? Stevens stated the inmates should be back in by the end of April but the medical facilities will be at a second location. Altman motioned to remove the restrictions on part time personnel as requested through April 2008 with the understanding if it is a continuing problem the Sheriff would come back and ask for additional time. Holt seconded. Motion carried unanimously.

**Auditor**

**Council Claims**

Altman stated during the council meeting they were approving claims, are they within our claims? Ms. Dawn Coverdale stated those are claims that are in their budget. Altman stated are they legally authorized to approve them for payment? Dillinger stated he would think not. Altman stated she does not think they are. Coverdale stated they are signing off on the claims as a department before they are submitted to the commissioners for approval.

**Janus Capital Monies**

Coverdale stated the capital appropriation (\$100,000) for Janus has been distributed. Dillinger asked how could it be distributed? Holt asked Coverdale and Swift to investigate it and report back at the next meeting.



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**Tax Sale Addendum**

Coverdale requested approval of the 2007 Tax Sale Workplan for SRI. Altman asked if we don't have a Tax Sale can we void this contract? Altman stated there has been discussion that due to the late certification we may not be able to have a tax sale. Coverdale stated she would assume so. The addendum increases the fee regarding Tax Sale notices. Coverdale stated we have a contract for the 2007 Tax Sale, this is an addendum to that contract. Holt stated the contract states we pay them based on properties that are certified. If we don't certify any properties we won't owe them anything. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Clerk of the Circuit Court Monthly Report**

Coverdale requested approval of the Clerk of the Circuit Court Monthly Report dated January 2007. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Release of Bonds/Letters of Credit – Drainage Board**

Coverdale requested approval of the release of Bonds and Letters of Credit for the drainage board. 1) HCDB-2004-00045 – Bond Safeguard Insurance Company Performance Bond No. 5011338 for Oak Ridge Subdivision storm sewers in the amount of \$123,501.00. 2) HCDB-2004-00077 – Bond Safeguard Insurance Company Subdivision Performance Bond No. 5008833 for Bainbridge Subdivision offsite drainage in the amount of \$9,528.00. 3) HCDB-2005-00128 – Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 717413S for Aberdeen Bend Subdivision for erosion control in the amount of \$51,378.00. 4) HCDB-2005-00129 – Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 717413S for Aberdeen Bend Subdivision subsurface drains in the amount of \$58,159.00. 5) HCDB-2005-00130 – Developers Surety and Indemnity Company Subdivision Improvements Performance Bond No. 717412S for Aberdeen Subdivision storm sewers in the amount of \$295,875.00. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Payroll Claims**

Coverdale requested approval of Payroll Claims for the period of February 12-25, 2007 paid March 9, 2007. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Vendor Claims**

Coverdale requested approval of Vendor Claims to be paid March 13, 2007. Altman motioned to approve. Holt seconded. Motion carried unanimously.

**Indiana Commerce Connector Study**

Davis requested approval and signatures on the letter to Representative Whetstone supporting the study of the Indiana Commerce Connector. Holt motioned to approve. Altman seconded. Motion carried unanimously.

Dillinger recessed the meeting to tour the proposed Voter Registration office location.

**Voter Registration Office**

The Commissioners, Scott Warner and Kim Rauch toured the proposed locations for the Voter Registration office and chemical storage. Altman motioned to place the chemical storage in the alcove located to the north of the former buildings and grounds office. Holt seconded. Motion carried unanimously. Altman voted to approve the retrofit for Voter's Registration. Holt seconded. Motion carried unanimously.

Altman motioned to adjourn the meeting. Holt seconded. Motion carried unanimously. [4:30]

**Commissioners Correspondence**

Hendricks County Commissioners Letter to Representative Whetstone

HUD Annual Performance Review-Program Year 2005

City of Carmel Notice of Public Hearing:

Temporary Sign on Keystone Off-Ramp – Primrose Development

IDEM notice of Sewer Permit Applications:

Cherry Tree Grove – Carmel

Belmont Park at Brooks Park, Section 4 – Fishers

Brooks Park, Section 5 – Fishers

Mill Grove, Section Nine – Noblesville

IDEM Status of Midwest Construction Recycling, Inc.

IDEM Notice of Construction Permit Applications:

Britton Falls Subdivision, Area 2, Section B, Phase 3 – Fishers

Village of West Clay Brockway Public House - Carmel

**Present**

Christine Altman, Commissioner

Steven C. Dillinger, Commissioner

Steven A. Holt, Commissioner

Robin M. Mills, Auditor

Kim Rauch, Administrative Assistant to Auditor

Fred Swift, Administrative Assistant to Commissioners

Michael A. Howard, Attorney

Dan Stevens, Sheriff's Department

Brad Davis, Highway Director

Joel Thurman, Interim Highway Engineer

Amber Emery, Highway Public Service Representative

Christopher Burt, Highway Staff Engineer

Tim Knapp, Highway Right-of-Way Specialist

Matt Knight, Highway Staff Engineer

Faraz Kahn, Highway Department

Kathy Howard, Highway Department

Bob Davis, Highway Superintendent

Patti Smith, BLN

Becki Wise-Kent, USI

John Elmer, One Source Insurance

Deb Gowan, One Source Insurance

Sheena Randall, Human Resources Director

Charlie Freund, Insurance

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Debbie Folkerts, Assessor  
Ann Green, AFLAC  
Scott Warner, Buildings and Grounds  
Jonathan Babalola, Noblesville Daily Times  
BJ Casali, ISSD  
Anthony Green, Noblesville Township Assistance Appeal  
Vicki Thompson, Noblesville Township Trustee’s Office  
David Bice, EMA  
John Barbee, Envoy  
Rebecca Stevens, Humane Society  
Beth Gehlhausen, Drug Free Community Grant  
Chuck Kiphart, Plan Commission  
Bruce Arnold, M & T Mortgage

APPROVED  
HAMILTON COUNTY BOARD OF COMMISSIONERS

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ATTEST

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Robin M. Mills, Auditor-